



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,352	07/07/2006	Kiyonki Yoshikawa	0425-1241PUS1	9081
2292 7590 06/03/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BOYER, CHARLES I				
ART UNIT		PAPER NUMBER		
1796				
NOTIFICATION DATE		DELIVERY MODE		
06/03/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/564,352

**Applicant(s)**

YOSHIKAWA ET AL.

**Examiner**

Charles I. Boyer

**Art Unit**

1796

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is responsive to applicants' amendment and response received February 23, 2009. Claims 1, 4, and 21-23 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

a. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

All prior art rejections set forth in the previous office action are withdrawn in view of applicants' amendment and response.

2. Claims 1, 4, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanaoka et al, US 6,750,160.

Hanaoka et al teach a hard surface cleaner comprising 0.5% dodecyl glucoside and 2% n-paraffin solvent (col. 14, example 1), wherein said paraffin solvent includes decane, dodecane, tridecane, and tetradecane (col. 6, lines 54-56). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

3. Claims 1, 4, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Balzer et al, US 4,985,154.

Balzer et al teach a crude oil extraction composition comprising dodecyl oligoglucoside and decane (col. 10, table 2). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

4. Claims 1, 4, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al, US 2003/0181347.

Johansson et al teach a hard surface cleaner comprising 7.8% alkylpoly glucoside and 44% dodecane solvent (§29, example 10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1, 4, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al, US 2004/0023834.

Inoue et al teach a hard surface cleaner comprising 17% ethylhexyl glyceryl ether and 10% undecane solvent (§126, example 1-10). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 1796

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broze, US 5,435,936.
3. Broze teaches a nonaqueous liquid microemulsion comprising a nonionic surfactant and decane (col. 11, example I-H). Mixtures of nonionic surfactants may be used and suitable nonionic surfactants of the invention include alkylpolyglycosides (col. 7, lines 33-49). Accordingly, it would have been obvious to one of ordinary skill in the art to add an APG surfactant to example I-H with a reasonable expectation of successfully obtaining an effective microemulsion.
4. Claims 1, 4, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al, US 2003/0013630.
5. Ishikawa et al teach a liquid detergent comprising a pentyglyceryl ether, alkylpolyglucoside, and organic solvent (¶135, examples 4 and 7). Suitable organic solvents of the invention include decane, dodecane, and tridecane (¶57). Accordingly, it would have been obvious to one of ordinary skill in the art to add a hydrocarbon solvent to examples 4 and 7 with a reasonable expectation of successfully obtaining an effective liquid detergent.
6. Claims 1, 4, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rindo et al, US 2003/0191037.

7. Rindo et al teach a liquid detergent comprising ethylhexyl glyceryl ether and dodecene organic solvent (§55, example 11). Suitable organic solvents of the invention include decane, dodecane, and tetradecane (§18). Accordingly, it would have been obvious to one of ordinary skill in the art to add or substitute a dodecane solvent to example 11 with a reasonable expectation of successfully obtaining an effective liquid detergent.

8. Claims 1, 4, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokosuka et al, US 6,117,830.

9. Yokosuka et al teach a liquid detergent comprising an alkylpolyglucoside, and isoparaffin organic solvent (col. 49, table 29). Suitable organic solvents of the invention include decane and dodecane (col. 15, table 2). Accordingly, it would have been obvious to one of ordinary skill in the art to add or substitute an additional hydrocarbon solvent to the examples of table 29 with a reasonable expectation of successfully obtaining an effective liquid detergent.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-Th 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272 1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles I Boyer  
Primary Examiner  
Art Unit 1796

/Charles I Boyer/  
Primary Examiner, Art Unit 1796